

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Elisa Vitale, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** March 17, 2015

**SUBJECT:** BZA Case 18897 - request for variance relief pursuant to DCMR 11 § 3103.2 from the requirements regarding nonconforming structures with respect to lot occupancy (§§ 403.2 and 2001.3) and rear yard (§ 404.1) to permit a second story rear addition to an existing single family dwelling row structure at 1504 Swann Street NW

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) **is not opposed** the requested relief for a second story rear addition to an existing nonconforming single family row dwelling at 1504 Swann Street NW:

- §§ 403.2 & 2001.3, area variance for expansion of a nonconforming structure (60 % maximum lot occupancy permitted, 100 % existing and proposed); and
- § 404.1, area variance relief for non-conforming rear yard (20 feet required, 0 feet existing and proposed).

OP staff notes that the lot is nonconforming with respect to lot width and lot area. Any BZA relief granted should be subject to approval by the Historic Preservation Review Board (HPRB).

**II. LOCATION AND SITE DESCRIPTION**

Address	1504 Swann Street NW
Legal Description	Square 191, Lot 817
Ward/ANC	2/2B
Lot Characteristics	The corner property is rectangular in shape. The eastern property line abuts 15 <sup>th</sup> Street NW and the northern property line abuts Swann Street NW.
Zoning	DC/R-4 – detached, attached, semi-detached, single family dwellings and flats.
Existing Development	Two-story single family row dwelling, permitted in this zone.
Historic District	Greater U Street Historic District
Adjacent Properties	The surrounding neighborhood is residential in character, with small apartment buildings, flats, and single family row dwellings.

**III. PROJECT DESCRIPTION IN BRIEF**

Applicant	Julian Hunt, owner.
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Proposal	The Applicant purchased the nonconforming structure in 1998. The Applicant proposes to construct a second story rear addition, measuring approximately five-hundred and ten square feet (510 sq. ft.) in area. The proposed addition would allow the Applicant to reconfigure the space, add a second kitchen, and create a flat, which is a permitted use in this zone.
Relief Sought	Variance relief pursuant to § 3103.2 from the requirements regarding expansion of a nonconforming structure (§ 2001.3) with respect to lot occupancy (§ 403.2) and rear yard (§ 404.1).

**IV. ZONING REQUIREMENTS**

DC/R-4 Zone	Regulation	Existing	Proposed <sup>1</sup>	Relief
Height (ft.) § 400	40 ft. max. 3 stories	32 ft. 6 in. 2 stories	32 ft. 6 in. 2 stories + mezz.	None required
Lot Width (ft.) § 401	18 ft. min.	17 ft.	No change	None required
Lot Area (sq.ft.) § 401	1,800 sq. ft. min.	870 sq. ft.	No change	None required
Floor Area Ratio § 401	None prescribed			None required
Lot Occupancy § 403	60 % max.; 70% by special exception	100 %	100 %	Existing nonconforming for lower floors; relief required for upper floor addition.
Rear Yard (ft.) § 404	20 ft. min.	0 ft.	0 ft.	Existing nonconforming for lower floors; relief required for upper floor addition.

**V. OP ANALYSIS**

The Applicant is requesting variance relief under § 3103.2 from the requirements regarding expansion of lot occupancy nonconformity (§§ 403.2 and 2001.3) and rear yard (§ 404.1) to construct a second-story addition to an existing single-family row dwelling.

**i. Exceptional Situation Resulting in a Practical Difficulty**

The two-story single-family row structure was constructed in 1870 and was later converted (date unknown) to a corner grocery store. At the time of the conversion, the first floor was lowered, which eliminated the basement level of the structure. A residential rental unit was created above the store and an addition was constructed that resulted in 100 % lot occupancy and no rear yard setback from the property line. At 870 square feet, the lot is significantly smaller than the average lot size for the square, which is 1,850 square feet. The subject property is a corner lot with the rear property line adjacent to a “private” easement and the side property line of 1508 Swann Street NW.

Unless the applicant was to substantially reduce the footprint of the existing structure or re-establish the basement by altering the level of the finished floors, which would be a practical

<sup>1</sup> Information provided by applicant.

difficulty, any addition to the subject dwelling would require a variance to lot occupancy. The small lot size also presents a practical difficulty for the Applicant.

**ii. No Substantial Detriment to the Public Good**

The requested relief could be granted without substantial detriment to the public good. The property to the south at 1818 15<sup>th</sup> Street NW has constructed a two-story addition that has no windows, which serves as a party wall with the subject property. The “private” easement to the west of the subject property would provide a buffer between the proposed addition and the side of the property at 1506 Swann Street NW.

The Applicant is working with Historic Preservation staff and anticipates a hearing before the HPRB (Case Number 15-128) at its March 26, 2015 meeting. Any BZA relief granted should be contingent upon HPRB review and approval.

**iii. No Substantial Harm to the Zoning Regulations**

No substantial harm to the Zoning Regulations would result from granting the requested relief. The regulations intend to prevent undue harm to adjacent residents and properties from the excess bulk of buildings. The subject property is exceptionally small for the square. Although the zoning regulations are structured such that a smaller lot is intended to accommodate a correspondingly small dwelling, in this case the current and proposed building footprint is smaller than the by-right footprint would be on an average sized lot on this square. The structure was previously modified in such a way as to eliminate the basement level of the structure. The proposed addition would not increase the footprint of the existing structure and would allow the Applicant to use the structure as a flat, which is a permitted use in the R-4 zone.

**VI. COMMUNITY COMMENTS**

Advisory Neighborhood Commission (ANC) 2B voted at its December 10, 2014 regular meeting and approved unanimously a resolution to support the requested zoning relief. The Applicant submitted nine letters of support.

**VII. COMMENTS OF OTHER DISTRICT AGENCIES**

In a letter dated December 10, 2014, the District Department of Transportation (DDOT) indicated that it had no objection to the approval of the requested variances.

Attachments:

1. Location map

